



**VILLAGE OF SUFFERN
ZONING BOARD OF APPEALS MINUTES
MAY 15, 2025, 2:00 PM**

Attendance: Barry Tesseyman, Chairman
Cary Adwar, Member
Steven Marks, Member
Bruce Simon, Member
Lisa Wilson, Member
Melissa B. Reimer, Zoning Board of Appeals Clerk

Absent: Andrew Zavoski, Member
Robert Magrino, Village Attorney

CALL TO ORDER

Chairman Tesseyman called the meeting to order at 2:03 P.M., and lead everyone in the Pledge of Allegiance.

MOTION TO APPROVE MINUTES FROM JANUARY 9, 2025, ZONING BOARD OF APPEALS MEETING.

MOTION to approve the Zoning Board of Appeals minutes of January 9, 2025, was moved by Board Member Marks, seconded by Board Member Simon, with all in favor, except for Board Member Zavoski, who was absent.

MOTION- to adopt the Suffern Zoning Board of Appeals Findings of Fact and Decision for 67 Lafayette Avenue, 30 Park Avenue, and 34 Park Avenue, Suffern, NY was moved by Board Member Simon and seconded by Board Member Wilson, with all in favor, except for Board Member Zavoski, who was absent.

MOTION- to adopt the Suffern Zoning Board of Appeals Findings of Fact and Decision for 21 Cypress Road, Suffern, NY was moved by Board Member Marks and seconded by Board Member Wilson, with all in favor, except for Board Member Zavoski, who was absent.

MOTION to approve Zoning Board of Appeals meeting for June 24, 2025, at 7pm and to adjourn the Zoning Board of Appeals meeting Chairman Tesseyman, seconded by Board Member Wilson, with all in favor, except for Board Member Zavoski who was absent.

Respectfully,

Melissa B. Reimer, CPA
Zoning Board of Appeals Clerk

**SUFFERN ZONING BOARD OF APPEALS
FINDINGS OF FACT and DECISION**

**RE: Application of JP Morgan Chase Bank
By: Breanne Mocaby, Black & Veatch Land Services
Property Location: 67 Lafayette Avenue, 30 Park Avenue and
34 Park Avenue Suffern, NY
Section 54.35, Block 2 Lots 46, 47 & 48**

**Application No. Z2025-01
Hearing Date: January 9, 2025**

The applicant appeared before the Zoning Board of Appeals on a referral from the Suffern Planning Board as part of its Site Plan review of the project. The proposed project is for the installation of two solar carports in the existing parking lot of the JP Morgan Chase Bank identified above. The Planning Board declared itself Lead Agency for purposes of SEQRA as part of the site plan review process, and determined that the project was a Type II action under SEQRA thus requiring no further environmental review, on August 21, 2024.

The Zoning Board of Appeals having heard testimony and reviewed written evidence with reference to the above-referenced application, the applicant appeared before the Board for the following variances from the CB (Central Business) district of the Zoning Code of the Village of Suffern:

	Required	Existing	Proposed
1) Maximum Development Coverage	70%	Lot 47: 93.3%	Lot 47: 94.7%
		Lot 46: 81.7%	Lot 46: 83.5%

The applicant has presented through documentary and testimonial evidence and the Board has heard from all who appeared at the hearing, and upon said hearing and the evidence presented, which hearing minutes are incorporated herein by reference and are part of the record before the Board, it is hereby found and determined as follows:

1. That the premises is located in a CB zone which is a business district within the

Village of Suffern.

2. The applicant stated that the variances requested are for not much above existing conditions. The parking lot is already constructed, approved and in use. Adding the solar panels provides for an environmentally friendly use, as well as a carport, and only requires minimal variances from existing conditions.
3. The ZBA noted that the proposed project would not result in significant new impervious surface on the lot, it is only for those portions of the carports that will be located on areas that are not already paved.
4. In considering the application, the ZBA has considered the benefit to the applicant, weighed against the detriment to the health, safety and welfare of the community, and the factors as set forth in NY Village Law §7-712-b(3) and Suffern Village Code §266-54.
5. In applying these considerations, the ZBA finds that,
 - A) There will not be an undesirable change in the neighborhood as the existing conditions as a parking lot will not change and the additional carport will provide a convenience to users of the lot.
 - B) The benefit sought cannot be achieved by another feasible method other than an area variance since there is no way to physically add the carport to the lot without minor intrusions into areas that are not already part of the lot.
 - C) The requested area variances are not substantial. The variances over existing conditions at the parking lot are minor.
 - D) The proposed variances will not have an adverse effect or impact on

the physical or environmental conditions in the neighborhood as the parking currently exists, the additional lot coverage is minimal over existing conditions.

E) The need for variances is self-created. This factor is relevant but does not necessarily preclude granting of the area variances that were sought.

Based upon the foregoing, the ZBA hereby GRANTS the following variances pursuant to the above referenced application:

	Required	Existing	Proposed
Maximum Development Coverage 70%		Lot 47: 93.3%	Lot 47: 94.7%
		Lot 46: 81.7%	Lot 46: 83.5%

The granting of the variances are conditioned upon:

The granting of this variance is subject to site plan approval by the Suffern Planning Board, and any and all conditions set forth therein.

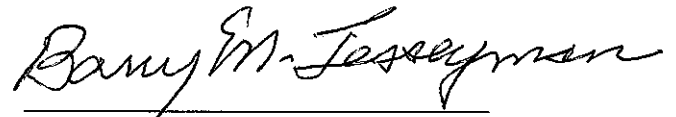
A motion was made by Lisa Wilson to approve the variance, which was seconded by Cary Adwar. On a Roll Call, the Board voted as follows to grant the variance under the conditions set forth above:

AYES: Bruce Simon, Acting Chair
Cary Adwar
Steven Marks
Lisa Wilson
Andrew Zavoski

ABSENT: Barry Tesseyman, Chairman

NOES: None

Dated: 5/15/25
Suffern, New York

A handwritten signature in cursive script, reading "Barry M. Tesseyman". The signature is written in black ink and is positioned above a horizontal line.

Barry Tesseyman, Chair
Zoning Board of Appeals

**SUFFERN ZONING BOARD OF APPEALS
FINDINGS OF FACT and DECISION**

**RE: Application of Gerald Burns
 Premises: 21 Cypress Road, Suffern NY
 Section 55.54 Block 1 Lot 45
 Zoning District R10**

**Application No. Z2024-09
Hearing Date: January 9, 2025**

The applicant appears before the Zoning Board of Appeals seeking a Variance from the requirements of Chapter 266-36.1 regarding commercial vehicles in residential districts.

Specifically, the applicant is seeking a variance for permission to park one vehicle that is in excess of the size restrictions for commercial vehicle parking in a residential district. The applicant received a violation identified as 266-36.1A for parking an oversize vehicle at the subject location. This appeal also considers the violation referenced above.

The Zoning Board of Appeals heard testimony and reviewed written evidence with reference to the above-referenced application, including but not limited to, the applicant's narrative, photographs and all items noted in the minutes of the meeting, which minutes are incorporated by reference herein as part of the record before the Board.

APPLICANT'S WRITTEN NARRATIVE:

The applicant's written narrative dated 10/1/24 was considered by the Board and incorporated herein. The applicant indicated that he works for a limousine company in New Jersey and brings home vehicles as needed for the next day's work. The vehicles may be a sedan, an SUV, a sprinter van, a limousine or a shuttle bus. The variance is only needed for when he has the shuttle bus and the applicant indicated the bus can park behind the front line of the home.

TESTIMONY BEFORE THE BOARD:

The testimony before the ZBA, as set forth in the approved minutes of the meeting, which are incorporated by reference herein, includes that of the applicant Gerald Burns.

Mr. Burns testified that the requirements of his job as a driver vary and that he does not know until the day before which vehicle he will be taking home. He indicated that when he parks the shuttle bus, which is 30 feet in length, he can still keep the bus well hidden behind the front line of the house as required by the statute. The only variance from the code is to be able to park a 30-foot vehicle rather than 22 foot vehicle as permitted.

ZBA DETERMINATION:

1. In considering the application, the ZBA has considered the benefit to the applicant, weighed against the detriment to the health, safety and welfare of the community, and the factors as set forth in NY Village Law §7-712-b(3) and Suffern Village Code §266-54.
2. In applying these considerations, the ZBA finds that,
 - A) There will not be an undesirable change in the neighborhood as the property as the vehicle will still be parked beyond the front line of the house as required by the statute, is well hidden, and is only for those occasions when the 30-foot vehicle is parked at the property.
 - B) The benefit sought cannot be achieved by another feasible method other than an area variance since the alternative would be to not be able to park the vehicle at that location.
 - C) The proposed variances are not substantial, given that this is for a

temporary use of the property, would not be an everyday occurrence, and only applies to the length of the vehicle. The vehicle will still be parked behind the front line of the property.

D) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood as the vehicle will be well hidden as it will be parked beyond the front line of the house, and is only on occasions that the vehicle is in use by the property owner.

E) The need for variances is self-created. That factor is relevant but does not necessarily preclude granting of the area variances that were sought.

The granting of area variances is a Type II Action under SEQRA, requiring no further environmental review.

A Motion was made by Andrew Zavoski, Seconded by Steven Marks as follows: Based upon the foregoing, the ZBA hereby GRANTS the following variances pursuant to the above referenced application:

266-36.1 – One vehicle, up to 30 feet in length may be parked at the subject location, provided same is behind the front line of the house in a permitted driveway.

On a Roll Call, the Board voted as follows:

AYES: Steven Marks
Lisa Wilson
Andrew Zavoski

NOES: Cary Adwar
Bruce Simon, Acting Chair

The motion passed on by a majority vote of 3 ayes to 2 nays.

Dated: 5/15/05
Suffern, New York

A handwritten signature in cursive script that reads "Barry M. Tesseyman". The signature is written in black ink and is positioned above a horizontal line.

Barry Tesseyman, Chair
Zoning Board of Appeals